

### REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed August 4, 2006. Having addressed all previously presented objections and grounds of rejection, claims 1-25, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

Claims 1-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,810,429, issued to Walsh et al (hereinafter referred to as "Walsh") in view of U.S. Patent No. 6,643,633, issued to Chau et al (hereinafter referred to as "Chau"). This ground of rejection is respectfully traversed as to the amended claims for failure of the Examiner to meet the requirements of MPEP 2143 to make a *prima facie* case of obviousness.

To make a *prima facie* case of obviousness, MPEP 2143 requires the Examiner to provide evidence and argument showing: 1) motivation to make the alleged combination; 2) reasonable likelihood of success of the alleged combination; and 3) all claimed elements within the alleged combination. The Examiner has failed to make any of these three required showings. Therefore, because the Examiner has not made a *prima facie* case of obviousness, Applicants need not and indeed cannot offer appropriate evidence and argument in rebuttal.

The first required showing is that of "motivation". That means that the Examiner must show "why" one of skill in the art would make the alleged combination. In his attempt to show motivation, the Examiner ignores Applicants' claimed invention and the clear teaching of the references (explained in detail below) to state:

One having ordinary skill in the art would have found it motivated (sic) to utilize the use of storing the data in a temporary table in a cache for late (sic) user as disclosed (Chau's col. 40, lines 25-32), into the system of Walsh for enabling many users in different location (sic) to access information in data sources sorted in different location (sic) over Internet computer network, thereby, improving the technique of selecting, retrieving and storing data into XML documents (Chau's col. 1, lines 28-32 and col. 2, lines 32-52).

Though this sentence is largely incomprehensible, it appears that the Examiner suggests that combining Chau with Walsh permits Walsh to use a cache memory to improve "the technique of selecting, retrieving and storing data into XML documents" within Walsh. This statement is clearly erroneous, because Walsh already contains "cache" 115 (see Fig. 1b). Walsh, column 5, lines 44-45, states:

The bridge framework maintains XML documents in a cache 115.....

There is certainly no teaching within Chau or Walsh that the cache of Chau is more effective than cache 115 of Walsh.

The Examiner has not even attempted to show reasonable likelihood of success, because he cannot. Cache 115 of Walsh

stores XML documents as shown in Fig. 1b and stated at column 5 lines 44-45. Chau, on the other hand, does not store XML documents. In fact, the essence of Chau is to "decompose" XML documents as clearly stated in the title:

STORING FRAGMENTED XML DATA INTO A RELATIONAL DATABASE  
BY DECOMPOSING XML DOCUMENTS WITH APPLICATION SPECIFIC  
MAPPINGS

The systems of Walsh and Chau are expressly incompatible.

Finally, the failure to show each of the claimed elements within the alleged combination is best addressed with regard to each individual claim.

Claim 1, as amended, is an independent apparatus claim having three major elements. The most prominent deficiency in the alleged combination is the third element. In making his rejection, the Examiner appear to contend that Walsh meets the limitations of this third element except:

Walsh does not clearly teach temporary computational data as a table.

Though this statement is correct on its face, it is based upon the clearly erroneous premise that Walsh meets the other limitations of the claimed element.

In making his rejection, the Examiner states:

a facility responsive coupled to said legacy data base management system which saves said temporary computational data as a table for later use in response to a command from said user terminal (see fig. 2, lines 30-67 and col. 16, lines 10-58 and for subsequent use: col. 11, lines 30-38). (emphasis added)

Neither Walsh nor Chau teaches storing the claimed "temporary computational data". The material cited from Walsh, for example, discusses storage of "schema", which is a definition of storage format rather than data. Surely, the Examiner can distinguish between the format of data and the data itself.

Furthermore, there is no showing that the claimed "facility" performs the saving function "in response to a command from said user terminal" as claimed. In fact, whatever is being saved by Walsh appears to be saved automatically by the system.

Nevertheless, claim 1 has been amended to require the storing to occur "at a request by said user terminal at a location specified by said user terminal". Support for this amendment is explicitly taught by Applicants in Fig. 32 and corresponding description in the specification at page 51. Clearly, neither Walsh nor Chau teaches any storing of temporary computational data at the request of a user terminal or at a location specified by a user terminal as claimed. The rejection of amended claim 1, and all claims depending therefrom, is respectfully traversed.

Claim 2 depends from claim 1 and further limits the claimed "facility" to containing a "repository". Because the alleged combination does not have the claimed "facility" as explained above, it cannot have these further limitations to the claimed "facility". The rejection of claim 2 is respectfully traversed.

Claim 3 depends from claim 2 and further limits the claimed "service request" to include "a plurality of sequential text lines of said command language executable by said legacy data base management system". Because the alleged combination does not have teach these limitations, the Examiner apparently attempts to inject confusion by citing an entire column of material from Walsh (i.e., column 10) which says nothing of the claimed "service request", nothing of the claimed "plurality of sequential text lines" and nothing of the claimed "executable by said legacy data base management system". The rejection of claim 3 is respectfully traversed.

Claim 4 depends from claim 3 and is further limited by "said service request is generated by said user terminal by completing a screen presented by said legacy data base management system". In making his rejection, the Examiner confusingly cites Walsh, column 7, lines 35-48, which discusses display of data received by a user. The citation begins:

We accomplish the display of information to users with HTML, web pages, and web forms. (Emphasis added)

The citation has nothing to do with the claimed invention.

Therefore, the rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and is further limited by "wherein said screen includes a plurality of sources and a plurality of destinations for said table". Having admitted that Walsh has no such "table" as claimed, the Examiner nevertheless

cites copious amounts of material from Walsh to support his finding that Walsh teaches these limitations. Not only is this finding clearly erroneous, it is logically inconsistent on its face. The rejection of claim 5 is respectfully traversed.

Claim 6 is an independent apparatus claim having four major elements. The Examiner repeats many of the same clearly erroneous findings of fact and errors of law in rejecting claim 6 and in rejecting claim 1. For example, the Examiner again confuses HTML pages, DTD (i.e., Document Type Description), and XML documents with the claimed "ordered sequence of command language statements" which are executed by the claimed "legacy data base management system". Even more significant, with regard to the fourth element, "a facility.....", the Examiner again ignores the requirement that the claimed storing of the claimed "temporary computational data" must be done "in response to a selection by said user terminal" as claimed. To further highlight this issue, claim 6 has been amended to require storage at the claimed "user specified location". Clearly these limitations are not found in the alleged combination of Walsh and Chau.

The rejection of amended claim 6, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to make any of the three showing of a *prima facie* case of obviousness as required by MPEP 2143.

Claim 7 depends from claim 6 and further limits the coupling network. As explained above, the alleged combination does not meet the limitations of claim 6 from which claim 7 depends. Therefore, the alleged combination cannot meet the further limitations of claim 7. The rejection of claim 7 is respectfully traversed.

Claim 8 depends from claim 7 wherein the claimed facility is further limited by "a repository within said data base management system". As explained above, the alleged combination does not have this element. Therefore, the Examiner states:

However, Chau teaches the repository for XML document (col. 9, lines 12-18 and col. 25, lines 30-38).

Quite apart from the lack of support given to the Examiner's findings by the citations, the claim requires that the claimed "repository" is part of the claimed "facility". That Chau may mention a repository located somewhere else is legally irrelevant, because it does not address Applicants' claimed invention. The rejection of claim 8 is respectfully traversed.

Claim 9 depends from claim 8 and wherein the claimed "future use" is further limited by "honoring of a subsequent service request". As explained above, the alleged combination does not meet the limitations of claim 8 from which claim 9 depends. Therefore, the alleged combination cannot meet the further limitations of claim 9. The rejection of claim 9 is respectfully traversed.

Claim 10 depends from claim 8 and wherein the claimed "future use" is further limited by "completion of honoring said service request". As if to completely ignore Applicants' claimed invention (i.e., "completion of honoring said service request"), the Examiner cites material associated with subsequent queries. These citations are legally irrelevant. The rejection of claim 10 is respectfully traversed for failure of the Examiner to address Applicants' claimed invention.

Claim 11 is an independent method claim having four limiting steps as claimed elements. It is readily apparent that the alleged combination does not have the third (i.e., "commencing") step, because there is no "computation" or "intermediate computational state". Therefore, the Examiner alleges that Walsh Fig, 3 shows "mapping legacy format and XML format". Because this only involves the system input and output, it is baffling that the Examiner could somehow consider this relevant to the claimed element involving the process of honoring the service request.

The fourth element, as amended, is "storing said interim computational state for future use in response to a request from said user terminal at a location specified by said user terminal". Clearly, the alleged combination does not teach this method step. The rejection of claim 11 is respectfully traversed.

Claim 12 depends from claim 11 and further limits the claimed storing step as "further comprises storing said interim computational state within a repository". As explained above, the alleged combination does not have the claimed "storing" step. Therefore, the Examiner irrelevantly states:

However, Chau teaches the repository for XML document (col. 9, lines 12-18 and col. 25, lines 30-38).

Whether or not this statement is true is legally irrelevant, because Applicants' claim requires "storing said interim computational state within a repository". Surely the Examiner does not contend that the stored XML document of Chau is the claimed "interim computational state". The rejection of claim 12 is respectfully traversed.

Claim 13 depends from claim 12 and is further limited by "wherein said storing step is initiated from a screen". Because Walsh has no "storing step" as claimed and has nothing "initiated from a screen", the Examiner again irrelevantly cites copious amounts of text having nothing to do with Applicants' claimed invention. The rejection of claim 13 is respectfully traversed.

Claim 15 depends from claim 14 and further limits the claimed coupling network. The alleged combination does not have the limitations of claim 14 from which claim 15 depends. Therefore, the alleged combination cannot have these further limitations. The rejection of claim 15 is respectfully traversed.

Claim 16 is an independent apparatus claim having five "means-plus-function" claim elements. Though the alleged combination does not have any of the claimed elements, this is most apparent regarding the third and fifth claimed elements. The third claimed element (i.e., "providing means") is not found in the alleged combination because it requires "producing temporary computational data". Again, realizing that this is not found in the alleged combination, the Examiner cites the conversions between XML and legacy format of Walsh. These are not "temporary computational data", because they deal only with inputs to and outputs from the query honoring process. Furthermore, the conversions are performed by the "agent" rather than the legacy data base server.

The disparity is even greater with regard to the fifth element (i.e., "storing means"). This element requires "storing for future use said temporary computational data generated by said providing means in honoring said service request in response to a request from said generating means". As explained above in detail, there is no showing within the alleged combination of a user requested storing of the claimed "temporary computational data".

The rejection of claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 depends from claim 16 and is further limited by "wherein said storing means further comprises a repository". The alleged combination does not have this feature. Therefore, the Examiner again irrelevantly cites Chau which stores XML documents. The rejection of claim 17 is respectfully traversed.

Claim 18 depends from claim 17 and is further limited by "wherein said converting means further comprises defining means for defining a format of said service request". In making his rejection, the Examiner cites considerable material associated with format conversion, but there is no "defining means" as claimed. Therefore, rejection of claim 18 is respectfully traversed as based upon irrelevant prior art material.

Claim 19 depends from claim 18 and further limits the coupling network. The alleged combination does not have the limitations of claim 18 from which claim 18 depends. Therefore, the alleged combination cannot have the further limitations of claim 19. The rejection of claim 19 is respectfully traversed.

Claim 20 depends from claim 19 and is further limited by "wherein said storing means stores said computational state for future use". Because the alleged combination does not have the claimed "storing means" as explained above, it cannot have these further limitations to the claimed "storing means". The rejection of claim 20 is respectfully traversed.

Claim 21 is an independent apparatus claim having five key elements. Though the alleged combination has none of these claimed elements, this is most apparent with regard to the third and fifth claimed elements.

The third claimed element (i.e., "a legacy data base management system") is not found in the alleged combination because it requires that it "honors said service request by executing a sequence of command language script". Because the alleged combination does not meet this limitation, the Examiner appears to have ignored it.

The fifth claimed element (i.e., "facility") is not found in the alleged combination because it requires "storing the computational state of said legacy data base management system as a table for future use during execution of said sequence of command language script in response to a selection from said user terminal". As explained above, the alleged combination cannot meet these limitations. The rejection of claim 21, and all claims depending therefrom, is respectfully traversed.

Claim 22 depends from claim 21 and is further limited by "wherein said facility further comprises a repository within said data base management system". Again, the alleged combination does not meet these limitations. Therefore, the Examiner again irrelevantly states that Chau teaches the repository for XML documents. The rejection of claim 22 is respectfully traversed.

Claim 23 depends from claim 22 further limits the claimed coupling network. The alleged combination does not meet the limitations of claim 22 from which claim 23 depends. Therefore, the alleged combination cannot have these further limitations. The rejection of claim 23 is respectfully traversed.

Claim 24 depends from claim 23 and is further limited by "wherein said future use further comprises honoring of a subsequent service request". As explained above, the alleged combination does not meet the limitations of claim 23 from which claim 24 depends. Therefore, the alleged combination cannot meet the further limitations of claim 24. The rejection of claim 24 is respectfully traversed.

Claim 25 depends from claim 24 and wherein the claimed "future use" is further limited by "completion of honoring said service request". As if to completely ignore Applicants' claimed invention (i.e., "completion of honoring said service request"), the Examiner cites material associated with subsequent queries. These citations are legally irrelevant. The rejection of claim 25 is respectfully traversed for failure of the Examiner to address Applicants' claimed invention.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this

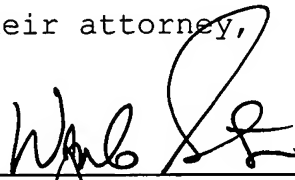
amendment and allowance of claims 1-25, being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

Thomas N. Turba et al.

By their attorney,

A handwritten signature in dark ink, appearing to read 'Wayne A. Sivertson', is written over a horizontal line.

Date November 6, 2006

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